

Application No. 10/665963  
Response to Office Action Dated 02/22/2007

### REMARKS

Reconsideration is requested in view of the following remarks and amendments. Applicants request the Examiner to enter the amendments because they place the claims in condition for allowance and/or better condition for appeal. Claims 1 and 28 have been editorially to incorporate the limitations of claims 5 to 7. Claim 8 is amended editorially; claims 5-7 are cancelled. Claims 1, 3, 4, 8-28 are pending in this application with claims 9-27 withdrawn.

#### *Drawings*

Applicants respond to the objection to the Amendment filed 03 November 2006 as adding new matter. Figures I, IIa, IIb, and III were attached for the benefit of the Examiner as explanatory material accompanying the remarks section of the Amendment. Applicants did not and do not attempt to add these figures into the application itself. Applicants request the Examiner to withdraw the objection to the amendment under 35 U.S.C. §132(a).

#### *The rejection of claim 1 under 35 U.S.C. §112, first paragraph*

Claim 1 is rejected under 35 U.S.C. §112, first paragraph. The rejection of claim 1 is rendered moot because claim 1 includes the limitations of claims 5-7, not rejected under 35 U.S.C. §112, first paragraph. Applicants are not conceding the correctness of the rejection.

#### *The rejection of claims 1, 3-8 and 28 under 35 U.S.C. §§102 or 103*

Claims 1, 3-8 and 28 are rejected as being anticipated by or in the alternative obvious over Shiratori '825. Applicants traverse this rejection. Shiratori '825 is considered to disclose a recording layer having a length or thickness 2 micrometers or less. Shiratori '825, however, does not teach or suggest a recording layer comprising a laminated structure with a period of about 0.4 nanometers to not more than 2 nanometers, as required by claims 1 and 28. Shiratori '825 provides that the recording medium of three, possibly four, magnetic layers is a total thickness of 2 micrometers or less. Claims 1 and 28 require the recording layer itself has a periodic laminated structure wherein each

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lamination is on the order of nanometers. The rejection proffers but the Examiner provides no reference of providing a magnetic recording medium with a short mark length or thickness 2 nanometers or less. Applicants disagree that this teaching is well within the purview of the skilled artisan. Two nanometers is 1000 times smaller than 2 micrometers, not an insubstantial or nonobvious dimensional difference, especially in the art of optomagnetic recording media. Shiratori '825 simply provides no teaching and the Examiner provides no other reference that would suggest making a laminated recording layer with a laminated periodicity of about 0.4 to no more than 2 nanometers. Applicants request that the rejection of claims 1, 3-8 and 28 as being anticipated by or obvious in view of Shiratori '825 be withdrawn.

Favorable reconsideration in the form of a Notice of Allowance is requested. If the Examiner believes a telephone conference would advance the prosecution of this application, the Examiner is invited to telephone Applicants' primary attorney-of-record, Douglas P. Mueller (Reg. No. 30,300) at 612.455.3804.



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Respectfully submitted,

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